

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-914

12 **MA CHRISTINA MARTIN**
13 **4228 Monterey Ave**
Baldwin Park, CA 91706

A C C U S A T I O N

14 **Registered Nurse License No. 714332**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 22, 2007, the Board of Registered Nursing issued Registered
23 Nurse License Number 714332 to Ma Christina Martin (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on January 31, 2015, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

6. California Code of Regulations, title 16, section 1443, states:

"As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

7. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

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1 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
2 treatment to the client and family and teaches the client and family how to care for the client's
3 health needs.

4 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
5 subordinates and on the preparation and capability needed in the tasks to be delegated, and
6 effectively supervises nursing care being given by subordinates.

7 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
8 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
9 communication with the client and health team members, and modifies the plan as needed.

10 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
11 health care or to change decisions or activities which are against the interests or wishes of the
12 client, and by giving the client the opportunity to make informed decisions about health care
13 before it is provided."

14 **COST RECOVERY**

15 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct: Incompetence)**

21 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in
22 conjunction with California Code of Regulations, title 16, sections 1443 and 1443.5, in that she
23 demonstrated a lack of the learning, skill, care and experience ordinarily possessed and exercised
24 by a competent registered nurse and/or failed to exercise that degree of learning, skill, care and
25 experience ordinarily possessed and exercised by a competent registered nurse with respect to her
26 care for Patient T.C. in June 2009. The circumstances are as follows:

27 a. On or about June 29, 2009, Patient T.C. was admitted to Inter-Community Hospital
28 for an acute myocardial infarction (i.e., heart attack) related to two occlusions in his right

1 coronary artery. Patient T.C. was treated with balloon angioplasty and stenting. During the
2 procedure, one of the areas that had been stented tore and began bleeding. After the tear was
3 repaired, Patient T.C. was sent to the hospital's cardiac care unit ("CCU"), at which time
4 Respondent assumed care for Patient T.C. Beginning at approximately 8:00 pm on June 29,
5 2009, Patient T.C. began experiencing significant chest pain, which continued and increased
6 throughout the night. Several electrocardiograms (EKGs) were taken between approximately
7 10:00 pm and midnight. Respondent relayed the results of those EKGs to Patient T.C.'s
8 cardiologist and thereafter followed the cardiologist's instructions for care which included
9 administering morphine for pain.

10 b. While in the CCU and under Respondent's care, Patient T.C. also experienced high
11 blood pressure, which continued throughout the night. Respondent failed to report the patient's
12 high blood pressure to the cardiologist and failed to inquire whether any treatment was necessary.
13 At approximately 3:40 am on June 30, 2009, Patient T.C. began experiencing excruciating chest
14 pain that he described as "crushing" and registering a 10 on a scale of 1 to 10. Respondent failed
15 to conduct an EKG and failed to reach Patient T.C.'s cardiologist or contact any other physician
16 to obtain guidance for treating the patient. In addition, Respondent reached the uninformed
17 conclusion that Patient T.C. was not having a heart attack based solely on the patient's statement
18 that the pain was not radiating to his arm. At approximately 6:30 am on June 30, 2009,
19 Respondent continued to complain of severe chest pain, at which time another EKG was finally
20 performed. The EKG showed that Patient T.C. had suffered another heart attack which had
21 caused significant cardiac muscle damage. Patient T.C. was immediately sent for a cardiac
22 catheterization which revealed a thrombus (i.e., blood clot) in the stent of the mid right coronary
23 artery.

24 PRAYER

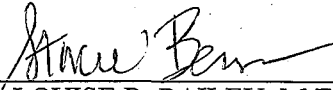
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 714332, issued to Ma
28 Christina Martin;

1 2. Ordering Ma Christina Martin to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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7 DATED: APRIL 17, 2013


8 LOUISE R. BAILEY, M.ED., RN
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant

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